

EXECUTIVE SUMMARY

As part of its on-going monitoring, the Administration for Children and Families (ACF) in collaboration with New York State Office of Children and Family Services (OCFS) completed a review of the New York Child and Family Services (CFS) program to determine substantial conformity with the State Plan requirements found in titles IV-B and IV-E of the Social Security Act. The review process is based on Federal regulations published on January 25, 2000, that in part, established a new approach to monitoring State child welfare programs that focuses on results in the areas of safety, permanency, and child and family well-being.

OVERVIEW OF PROCESS

This review was initiated in November 2000 with an analysis of data related to the safety, permanency, and well-being of children involved with the OCFS and a statewide assessment of areas seen as critical to the effective functioning of the State's child welfare system. During the week of June 18-22, 2001, on-site reviews of 50 cases and interviews/focus groups with approximately 190 key stakeholders in the State's child welfare system were completed in three selected local social services districts (New York City, Fulton and Westchester).

Subsequent to the on-site phase of the review, ACF wrote to OCFS about two data inconsistencies found in the review: foster care re-entries and repeat maltreatment. ACF received OCFS' final response on the two issues in December 2001. Through New York's submission of additional data and the Children's Bureau's analysis, it was determined that the data discrepancy regarding foster care re-entries had been resolved, and the State met the national standard. With respect to the remaining discrepancy, repeat maltreatment, the State notified the ACF New York Regional Office that it did not have further data to submit establishing that New York met the national standard for the statewide data for that measure.

OVERVIEW OF REVIEW FINDINGS

The review team was very encouraged to have found significant strengths in New York's child welfare system including key outcomes in safety, continuity of family relationships, and meeting the educational and physical health needs of children. These included such areas as the timely initiation of investigations of reports of child maltreatment, services to protect children in their own homes and to prevent removal, proximity of foster care placements, preserving connections, emphasizing sibling and relative placements, and worker visitations with children and parents. The review also found strengths in some of New York's systemic systems including the quality assurance system; training; the agency's responsiveness to the community; and foster and adoptive parent licensing, recruitment and retention.

The review team did find areas that require improvement. New York faces a serious challenge in meeting the national standard that children have permanency and stability in their living situations. In FY 1999, 54.2 percent of children in care were reunified with their parents or caretakers in less than 12 months; this is below the national standard of 76.2 percent. Further, according to information provided by the State, very few adoptions take place in NYS within two

years of the child's admission to foster care. The national standard for achievement of adoptions is that 32% occur within 24 months of placement into foster care. In New York, only 3 percent of adoptions were achieved within this time parameter. There is the need to improve practice that focuses on permanency planning in order to minimize the lengths of stay in care for children in foster care and to improve the time it takes for a child to be adopted. There is also a need to review State laws that may hinder timely adoption.

In the area of child and family well being, there is a need to strengthen assessments to identify the needs and services for children, parents and foster parents so that families have an enhanced capacity to provide for their children. Improvements are also required in order that children and parents are appropriately involved in case planning and needed mental health services are made available. Lastly, the review of New York State systems found that improvements are needed in the statewide information system, the case review system, and the service array.

SUMMARY OF FINDINGS

OCFS is operating in substantial conformity in two of the outcome areas and in four of the systemic factors that comprise the child and family service reviews. Further, it has been determined that the OCFS is not operating in substantial conformity in five of the seven outcome areas and three of the seven systemic factors.

Key Findings Related to Safety, Permanency and Well-being

For the State of New York to be in substantial conformity, each outcome must be substantially achieved in 90 percent of the cases examined during the onsite review. In addition, the State must meet the national standard that has been established for the statewide aggregate data attached to that specific outcome.

I. Safety

S1: Children are, first and foremost, protected from abuse and neglect.

Although 100% of the 42 applicable cases were rated as having “substantially achieved” safety outcome S1, the overall rating for this outcome was Not in Substantial Conformity because the State data for repeat maltreatment and maltreatment of children in foster care did not meet the national standards.

Determination on Safety Outcome S1: Not in Substantial Conformity.

S2: Children are safety maintained in their homes whenever possible and appropriate.

92.3 % of the 39 applicable cases reviewed substantially achieved safety outcome S2.

In 100% of the 15 applicable cases reviewed, “services to family to protect children in home and prevent removal” was rated as a strength.

In 92.10% of the 38 applicable cases reviewed, "risk of harm" was also rated as a strength. Case reviews indicated and stakeholders agreed that children are appropriately removed and placed in foster care when there is a concern for their health and safety.

Determination on Safety Outcome S2: Substantial Conformity

II. Permanency

P1: Children have permanency and stability in their living situation.

54.05% of the 37 applicable cases reviewed were rated as “substantially achieved” in permanency outcome P1.

New York State met the national standard for foster care re-entries at 8.6%. New York did not meet the national standards for stability of foster care placements, length of time to achieve adoption, or length of time to achieve reunification as follows:

	<u>National Standard</u>	<u>State’s Percentage</u>
Length of time to achieve reunification	76.2%	54.2%
Length of time to achieve adoption	32%	2.95%
Stability of foster care placements	86.7%	Not Reported

In addition, based on the case record reviews and stakeholders interviews all of the indicators for Permanency Outcome No. 1, with the exception of "foster care re-entries," were rated as areas needing improvement. These include, "stability of foster care placement," "permanency goal for child," "independent living services," "adoption", and "permanency goal of other planned living arrangement."

Determination on Permanency Outcome P1: Not in Substantial Conformity

P2: The continuity of family relationships and connections for children

83.78% of the 37 applicable cases reviewed substantially achieved permanency outcome P2.

Based on case record reviews and stakeholders interviews four of the six indicators for permanency outcome P2 were rated as strengths. This included "proximity of foster care placement," "placement with siblings," "preserving connections," and "relative placement." Indicators for "visiting with parents and siblings in foster care" and "relationship of child in care with parents" were rated as areas needing improvement.

While statutory requirements are often met, stakeholders noted concern regarding the quality of the visits, as to whether the visits are meaningful and, if the parent and child interactions are being measured and utilized in the case planning process.

Determination on Permanency Outcome P2: Not in Substantial Conformity

III. Well Being

WB1: Families have enhanced capacity to provide for their children's needs.

86% of the 50 cases reviewed substantially achieved well being outcome WB1.

Based on case record reviews and stakeholders interviews two of the four indicators for well being outcome WB1 were rated as strengths. This included "worker visits with children" and "worker visits with parents." Indicators for "needs and services of child, parents, foster parents," and "involvement of child and family in case planning" were rated as areas needing improvement.

Determination on Well Being Outcome WB1: Not in Substantial Conformity

WB2: Children received appropriate services to meet their educational needs.

91.48% of the 47 cases reviewed substantially achieved well being outcome WB2.

Case reviews indicated that an array of educational services, including in home tutoring, transportation to/from school, was available, as needed, to prevent children from being transferred to a different school. There is a strong partnership with the educational system, i.e., schools are involved in the case planning and workers participate in the Individual Education Plans (IEP) as appropriate.

Determination on Well Being Outcome WB2: In Substantial Conformity

WB3: Children received adequate services to meet their physical and mental health needs.

85.7% of the 49 applicable cases reviewed substantially achieved well being outcome WB3.

Based on case record reviews and stakeholders interviews "physical health of the child" was rated as a strength, and "mental health of the child" was rated as an area needing improvement for well being outcome WB3.

Determination on Well Being Outcome WB3: Not In Substantial Conformity

Key Findings for Seven Systemic Factors

I. Statewide Information System

New York State's statewide child welfare information system is multifaceted and comprised of several different systems. The combined data from these systems provide most, but not all, of

the required information to track status, basic demographic data, location, AFCARS data elements and children in care.

Stakeholders explained that the systems contain gaps or disconnects that prohibit information, especially case histories, from being shared.

Stakeholders indicated improvements in CONNECTIONS, the State's partially implemented SACWIS (Statewide Automated Child Welfare Information System). Connections is intended to support the full range of child welfare activities from eligibility determination through service delivery to payment for services and is scheduled for full implementation in 2004.

Stakeholders also observed that, statewide, some key players are still not connected, or that they are only partially connected in a way that gives them limited access and data. Some of those key players include the courts, Tribal units and some voluntary agencies.

Stakeholders acknowledged recent State initiatives underway in local districts to test systems that can be more inclusive and share data across systems.

Determination on Statewide Information System: Not in Substantial Conformity

II. Case Review System

The Uniform Case Record process is in place, supported by an information system that prompts timely development of the written case plan. The State and local districts are highly effective in developing case plans. However, some stakeholders saw a need to more actively engage parents, foster parents or guardians in case plan development.

While improvement has been made in involving birth parents in case plan development, this is an area requiring more activity to increase the percentage of birth parents' participation in the process. Special attention needs to be given to contacting birth fathers.

Determination on Case Review System: Not in Substantial Conformity

III. Quality Assurance System

Quality Assurance standards are in place and are monitored by the State and local districts. Performance contracting is used as a vehicle for monitoring quality services that protect the safety and health of children in foster care. Stakeholders noted that State OCFS Regional Offices are very involved in on-going monitoring and quality assurance activities including training around standards and outcomes with local districts and voluntary agencies.

Determination on Quality Assurance System: Substantial Conformity

IV. Training

Overall, the State's training initiatives were determined to be effective, especially the Common Core training for new workers and the Model Approach to Partnerships in Parenting (MAPP) training for foster parents.

The State has spent a significant amount of resources to improve the State's Central Registry (SCR), especially in training staff to carry out SCR responsibilities that has improved the response time to 87% of the calls being responded to in one minute.

While most of the findings resulting from the on-site interviews indicated that the State's training efforts were exemplary, there are a few areas where improvements are needed:

- core training on Indian child welfare and other culturally diverse groups; more emphasis on concurrent planning;
- specific training for workers and foster and pre-adoptive parents on how to address needs of older adolescents;
- specific training for workers and other staff on mental health; and
- additional training for foster parents so they can identify a child's services needs and play a role in obtaining such services.

Determination on Status of Training: Substantial Conformity

V. Service Array

The State and local districts, have made substantial efforts to provide an array of services for children in foster care and their families—birth, foster and/or adoptive. While services were generally available, they were not always strategically located.

It was generally acknowledged that improved collaboration and coordination at the local level was one of the key factors to bridging the service gaps and bringing about structured service access and delivery. State level leadership is key to moving this process along and should be expanded beyond current initiatives.

Determination on Service Array: Not in Substantial Conformity

VI. Agency Responsiveness to the Community

Stakeholders overwhelmingly agreed that the State has improved and continues to engage various communities in on-going consultation regarding the Child and Family Services Plan. The Coordinated Children Services Initiative (CCSI), Integrated County Planning (ICP), and State OCFS Advisory Council and various focus groups conducted through the Regional Office are examples of the State's efforts to collaborate with those involved with children and families.

There are many examples of the State's responsiveness to the community. They include outreach to other State agencies; promotion of Partners for Children, a cross-system collaboration; seeking

input on proposed child welfare spending plans from the New York Public Welfare Association (NYPWA), Council of Family and Child Caring Agencies (COFCCA), and TANF funding through the OCFS to support prevention and aftercare services.

Some areas that need attention:

- particular need for more active outreach and inclusion efforts with respect to all of NY's tribes;
- better utilization of the Foster and Adoptive Parents' Network, Schuyler Center for Advocacy and Analysis (SCAA) and similar organizations and individuals since they have particular knowledge about what is going on in their communities;
- sharing information, especially timely, and providing feedback to those the State calls upon for input;
- active State leadership in promoting and supporting community involvement in State child welfare activities; and
- clarity on how youths' can be involved in the input to OCFS.

Determination on Agency Responsiveness to the Community: Substantial Conformity

VII. Foster and Adoptive Parent Licensing, Recruitment and Retention

Case reviews and stakeholder interviews indicate that licensing standards and procedures are in place that comply with recommended national standards and they are being applied equally among foster and adoptive homes and institutions. Stakeholders also said that the elimination of the dual standards has been helpful to the licensing process and procedures. While foster parents noted equal application of licensing practices across agencies, they expressed concern that monitoring was not sufficient to provide support or observe unsafe practices in the home. Criminal background checks (CBC) are also being conducted according to State standards. There was a consensus that the CBC process was much improved from its initial implementation. Some view the CBC as a good example of prioritizing and collaboration at the State level.

The MAPP training is viewed as positively impacting the quality of foster homes. However, it was noted that additional training in the area of cultural competence was necessary for families to be able to communicate effectively with the population of children who are now coming into care (e.g. Haitian and Latino children).

Determination on Foster and Adoptive Parent Licensing, Recruitment and Retention: Substantial Conformity

Review Outcomes

A Program Improvement Plan (PIP) is required to address each outcome and systemic factor determined not to be in substantial conformity. The PIP must be submitted to the ACF Regional Office for approval within 90 calendar days from the receipt of this report. ACF will assist the State in developing the PIP to ensure that OCFS establishes an action plan for bringing each of the identified areas to a level of substantial conformity as specified in 45 CFR 1355.35.

An estimated Federal fiscal year (FFY) 2001 penalty of \$2,284,407 is applicable to this level of non-conformity. However, the withholding of funds associated with this penalty will be suspended during the period of the approved PIP. If it is determined that the State has either achieved substantial conformity or has successfully completed the PIP, ACF will rescind the withholding of federal funds associated with those areas at that time.